

**ORDINANCE NO. 12-89  
CHAPTER 38  
TO REGULATE HANDGUNS;  
REGISTERING OF HANDGUNS:  
REQUIRE SAFETY TRAINING FOR  
THE PURCHASE OF HANDGUNS  
IN THE CITY OF DETROIT**

**AN ORDINANCE** to amend Chapter 38 of the 1984 Detroit City Code, by amending Section 38-10-1, 38-10-2 and by adding Sections 38-10-12 through 38-10-20 to regulate handguns; registering of handguns; require safety training for purchase of handguns in the City of Detroit.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

**Section 1.** That Chapter 38 of the 1984 Code of the City of Detroit be amended by amending Sections 38-10-1, 38-10-2, and by adding Sections 38-10-12 through 38-10-20 as follows:

**Sec. 38-10-1. Definitions.**

The word "firearm" as used in this article means any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion including any shotgun, rifle, pistol or other device of a similar character.

(A) "Antique Firearm" means any firearm which is permanently incapable of being fired or discharged, or any firearm manufactured before 1898, for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ordainment for its historical significance or value.

(B) "Barrel Length" of a firearm shall be measured internally, from the face of the closed breach of an unloaded firearm, to the forward face of the end of the barrel.

(C) "Corrections Officer" means a warden, superintendent, or keeper of a prison, penitentiary, jail or other institution or facility for the detention of persons accused of or convicted of any offense.

(D) "Handgun" means a firearm, loaded or unloaded, thirty (30) inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm.

(E) "Machine Gun" means any firearm from which eight (8) or more shots or bullets may be discharged by a single function of the firing device.

(F) "Inheritance" means that which is inherited or to be inherited, property which descends to the heir on the intestate or testate death of another, any estate or property which a person has by descent, as heir to another, or which he may transmit to another, as his/her heir.

(G) "Military Personnel" means members of the Armed Forces of the United States or their Reserve Services, members of the Michigan National Guard, or members of the Reserve Officers Training Corps, while in the performance of their official duties;

(H) "Pawnbroker" means any person who loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

(I) "Peace Officer" means any police officer, any member of the police reserves, any sheriff or his or her deputy, or any officer of the Michigan State Police, or any other person who, by virtue of office or public employment, is vested by law with the duty to maintain public order or make arrests for any offense, whether such duty extends to all offenses or is limited to specific offenses.

(J) "Person" means any individual, corporation, company, association, firm, partnership, society, fraternal order, or other legal entity. It does not mean a government entity.

(K) "Pistol" means handgun as used in this article.

(L) "Rifle" means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire through a rifled bore for each single pull of the trigger.

(M) "Safety Training" means a minimum four hours of safety training and education in a handgun safety and storage course including a written or oral test. Such safety training may be provided by police personnel or training agencies or individuals approved by the Chief of Police. Upon successful completion of safety training the Chief of Police shall issue a safety training certificate. The safety training course must be comprised of uniform format covering the following: (i) child proofing and safe storage of handguns in the home (ii) safe handling and maintenance of handguns (iii) owning a handgun for protection (iv) federal, state and city ordinances regulating the use, possession, sale, transfer and transport of firearms (v) liabilities both criminal and civil for use of a firearm.

(N) "Sale" means a transfer made in exchange for legal consideration.

(O) "Security Personnel" includes the following: (i) special agents employed by a railroad or public utility to perform police functions; (ii) guards of armored car companies; (iii) watch-persons, security guards, and other persons regularly employed by a lawful commercial or industrial concern for the protection of its property, employees, or visitors, that have a valid active concealed weapons permit issued by Wayne County Gun Board or any other jurisdiction having the authority to issue such a concealed weapons permit; (iv) personnel or guards that have been certified under Michigan State P.A. 330 of 1968.

(P) "Short-Barreled Shotgun" means a shotgun having 1 or more barrels less than 18 inches in length or a weapon made from a shotgun, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches.

(Q) "Short-Barreled Rifle" means a rifle having 1 or more barrels less than 16 inches in length or a weapon made from a rifle, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches.

(R) "Shotgun" means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single function of the trigger.

(S) "Transfer" means give, deliver, convey, assign, confer, exchange, consign, hand over, or otherwise relinquish ownership or possession in favor of another. It does not include a transfer made by a peace officer, or military or security personnel in the course of their duties.

#### **Sec. 38-10-2. Permit required to purchase pistols.**

Subject to the provisions of Section 38-10-12, no person shall purchase a pistol without first having obtained a permit to do so from the chief of police. The Chief of Police shall not issue a permit to purchase unless a person has completed a police authorized handgun safety training and education course, as defined in Section 38-10-1(M). The Chief of Police shall institute non-refundable fees or charges for the processing of a permit to purchase application and registration certificate. Such non-refundable fees or

charges shall be determined by the actual cost to the police department processing a permit to purchase application and registration certificate. The cost of the safety training course shall be covered by a non-refundable fee or charge paid by the applicant to the police department. The Chief of Police shall certify and monitor all safety training agencies or individuals providing training for compliance with approved course guidelines. The Chief of Police shall include the following information in their annual departmental report: (i) names of approved training agencies or individuals (ii) statistics on number of safety training certificates issued. No person or agent thereof shall sell or deliver a pistol to any person unless such person has obtained a permit therefor from the chief of police, which permit shall be given to the person making such sale or delivery and must be kept by him.

**Sec. 38-10-12. Handgun registration required.**

(A) No person shall within the City of Detroit possess, harbor, have under his/ her control, transfer, *offer for sale*, sell, give, deliver or accept any handgun unless such person is the holder of a valid permit to purchase the handgun, which indicates that the handgun has been purchased in the last ten days or the holder of a valid registration certification for such handgun. No person shall within the City of Detroit possess, harbor, have under his/her control, transfer, *offer for sale*, sell, give, deliver or accept any handgun which is unregistrable under the provisions of this Chapter.

(B) Any person having received or purchased a handgun is required to register that handgun within five business days following purchase or receipt of such a handgun.

(C) This Section shall not apply to:

(1) Individuals that possess handguns and who are subject to the exceptions of Section 38-10-13(1)-(9).

**Sec. 38-10-13. Exceptions.**

This Ordinance does not apply to the following:

(1) Peace Officers, as defined in Section 38-10-1(1).

(2) Any person summoned by a peace officer to assist in the performance of the officer's duties and to whom the peace officer supplies a handgun and ammunition.

(3) Corrections Officers, as defined in Section 38-10-1(C).

(4) Military Personnel, as defined in Section 38-10-1(G).

(5) Security Personnel, as defined in Section 38-10-1(0).

(6) Agents and Investigators of the Michigan Legislative Investigating Commission, authorized by the Commission to carry weapons, and investigators of a County Prosecutor's Office, if they are authorized by the appointing authority to carry weapons.

(7) Persons specifically authorized to possess firearms under Federal or State Law.

(8) Licensed Gun Collectors.

(9) Persons transporting handguns to any person authorized to possess a handgun under this Section, provided that the handguns are in an inoperable condition.

**Sec. 38-10-14. Limits of Permit to Purchase and Registration.**

(A) No permit to purchase a handgun, registration certificate for any handgun shall be issued to:

- (1) Any person under eighteen (18) years of age;
- (2) Any person addicted to any controlled substance as defined in MCLA 333.7104(2);
- (3) Any person convicted of a felony within the 8 year period immediately preceding the application, whether in this state or elsewhere;
- (4) Any person currently adjudged by a court of this state or another state to be mentally incompetent;
- (5) Any person who has been released from the Michigan Youth Commission detention within the 5 year period immediately preceding the application for a permit to purchase a handgun. Where that person's detention was a result of a petition of delinquency for a violation of United States, State of Michigan or City of Detroit law or laws which would have constituted a felony if the offender had been an adult;
- (6) Any person who possesses a firearm or handgun that is in violation of federal law, or the law of this state or the ordinances of the City of Detroit.
- (7) Any person who is a handgun owner and does not possess a valid safety training certificate as prescribed in Section 38-10-17.1

(B) Any purported registration by any person ineligible to register a handgun under this Section is null and void.

- (1 ) A non-refundable fee as determined by the Chief of Police shall accompany each registration application filed under this Chapter.
- (2) The registration fee shall not be applicable to Detroit Police Department approved and Detroit Police Department issued handguns and Detroit Police Department approved privately owned handguns of police and peace officers domiciled in the City of Detroit.
- (3) The registration fee shall not be applicable to handguns of retired police officers or peace officers having valid active concealed weapons permits.

#### **Sec. 38-10-15. Unregisterable Firearms.**

No registration certificate shall be issued for any of the following types of firearms:

- (A) Sawed-off shotgun,
- (B) Machine gun,
- (C) Short barreled rifle.

#### **Sec. 38-10-16. Registered handgun owner requirements.**

Every person who possesses a registration certificate shall:

- 1. Immediately notify the Detroit Police Department on a form prescribed by the Chief of Police of:
  - (A) The loss, destruction, or theft of the registration certificate or of a registered handgun immediately upon discovery of such loss, theft or destruction, and;
  - (B) A change of any information appearing on the registration certificate, and;

(C) The sale, transfer or other disposition of a handgun.

**Sec. 38-10-17. Registration of handguns by new residents.**

Persons who are establishing a permanent domicile in the City of Detroit who possess a legal handgun or handguns from the previous jurisdiction(s) meeting the requirements of this Ordinance and completes the handgun safety training course shall be issued a registration certificate.

**Sec. 38-10-17. 1. Safety training certificate required for registration.**

No person who has failed to complete the safety training as prescribed by the Chief of Police will be issued a registration certificate.

**Sec. 38-10-18. Penalties.**

Upon conviction of a violation of any Section of this Article the convicted shall be subject to the fine and imprisonment as specified in Section 38-10-11 of this Article.

**Sec. 38-10-19. Violation by pawnshop operators.**

In addition to any penalties imposed by Section 38-10-18, a violation of this Ordinance by a holder of a pawnshop license issued by the City of Detroit shall constitute an abuse of the license, and shall be grounds for revocation of such license.

**Sec. 38-10-20. Construction, severability.**

(A) This Ordinance shall be liberally construed to protect public health, safety, and welfare of the residents of the City of Detroit.

(B) Except where needed to give effect to the plain meaning of the wording, the normal rules of statutory construction contained in MCLA 8.3(a)-3(w) shall be observed in constructing this Ordinance.

(C) A section heading or title of any portion of this Ordinance shall not be considered part of this Ordinance nor used to construe the Ordinance more broadly or narrowly than the text of the Ordinance indicates.

(D) The invalidity of any portion of this Ordinance, on its face or as applied to any person, shall not affect the validity of the remaining portions.

**Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 3.** This ordinance is declared necessary for the preservation of public peace, health, safety and welfare of the people of the City of Detroit and is hereby given effect 180 days from the date of approval.

(JCC P. 1483-87	June 14, 1989).
Passed:	July 19, 1989.
Published:	August 1, 1989.
Effective:	January 23, 1990.

JAMES H. BRADLEY,  
City Clerk